## VERIFICATION DIVISION







## **Agenda**

- Background
- Completing Form I-9
- Storage and Retention
- Form I-9 and E-Verify
- Resources

Form I-9



#### **Background**

In 1986, in an effort to control illegal immigration, Congress passed the **Immigration Reform and Control Act (IRCA)**.

**IRCA** forbids employers from knowingly hiring individuals who do not have work authorization in the United States.

The employment eligibility verification provisions, and sanctions, of <u>IRCA</u> are found in <u>Section 274A</u> of the <u>Immigration and Nationality Act</u> (INA).





## Working in the U.S.

Individuals who may legally work in the United States are:

- Citizens of the United States
- Noncitizen nationals of the United States
- Lawful Permanent Residents
- Aliens authorized to work

Form I-9



## **Employment Verification**

To comply with the employment eligibility verification provisions of the INA an employer must:

- Verify the identity and employment authorization documents of employees hired after November 6, 1986
- Complete and retain a Form I-9 for each employee hired after
   November 6, 1986
- Refrain from discriminating against individuals on the basis of actual or perceived national origin, citizenship or immigration status

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## **Preventing Discrimination**

The anti-discrimination provisions of the INA prohibit four types of <u>unlawful conduct</u>:

- Citizenship or immigration status discrimination\*
- National origin discrimination\*
- Document abuse during Form I-9 process
- Retaliation

\* Actual or perceived

#



## Office of Special Counsel (OSC)

The anti-discrimination provisions of the INA are enforced by:

Department of Justice
Civil Rights Division
Office of Special Counsel for
Immigration Related Unfair Employment Practices



 Employees may contact the <u>Office of Special Counsel (OSC)</u> to obtain additional information regarding employment discrimination and employee rights and responsibilities\*

1-800-255-7688 (TDD: 1-800-616-5525)

Employers may also contact OSC\*

1-800-255-8155 (TDD: 1-800-362-2735)

\*callers may remain anonymous

See OSC's "Employer Dos and Don'ts."





# PLEASE RESPOND TO THE POLL QUESTION THAT WILL POP UP ON YOUR SCREEN.

Note: Web Application participants are not able to receive or respond to the poll.

DATE

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## **Completing Form I-9**

than the first day of employment,	nation and Attentation but not before accepting a joi		and sign Section	1 of Form I-9 no later
Lest Name (Femily Name)	First Name (Given Nan	wej Middle Iridal	Other Names Use	nd (if erry)
Address (Street Number and Neme)	Apt. Number	City or Town	State	Zip Code
Chate of Birth (min/Mayyyy) U.S. Social	Security Number E-mail Address	nin.	T	lephone Number
attest, under penalty of perjury, it  A clazen of the United States  A noncrizen national of the Unit  A lawful permanent resident (AS  An alien authorized to work, until (ex (See Instructions)  For aliens authorized to work, pr  1. Alien Registration Numberi US  OR  2. Form I-NA Admission Number  If you obtained your admission States, include the following:	ied States (See Instructions) ien Registration Number/USC obration date, if applicable, mino rovide your Allen Registration SCIS Number in number from CBP in conne	IS Number: ISY1999 Number/USC/IS Number O	R Form I-94 Adm	
Foreign Passport Number: Country of Issuance:	on the Foreign Passoort Num	her and Country of Issuano	e feids, (See ins	fordoos)
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	2.12					
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## Form I-9 Requirements

All U.S. employers must have a Form I-9 on file for all current employees.

Exception: Employers are not required to have Forms I-9 for employees hired on or before November 6, 1986.

You may delegate the authority to complete Form I-9 to a responsible agent, however, you will retain liability for any errors.

Form I-9



#### Form I-9 Exceptions

#### You are NOT required to complete Form I-9 for:

- Casual domestic service employees working in a private household when work is sporadic, irregular or intermittent.
- Independent contractors for whom you do not set work hours, or provide tools to do the job.
- Employees working outside the United States.\*

\* 50 States, District of Columbia, Guam, Puerto Rico, U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands

DATE



#### **List of Acceptable Documents**

- Use MOST CURRENT <u>Form I-9</u>
   VERSION, 03/08/13
- You must make the Lists of Acceptable Documents available to your EMPLOYEE when he or she is completing the Form I-9

#### The EMPLOYEE MUST provide:

One document from List A

#### OR

 One document from List B AND one document from List C

#### LISTS OF ACCEPTABLE DOCUMENTS All documents must be UNEXPIRED

Employees may present one selection from List A or a combination of one selection from List B and one selection from List C.

	LIST A  Documents that Establish  Both Identity and  Employment Authorization	LIST B Documents that Establish Identity	LIST C Documents that Establish Employment Authorization AND
2.	U.S. Passport or U.S. Passport Card Permanent Resident Card or Alien Registration Receipt Card (Form I-551) Foreign passport that contains a temporary I-551 stamp or temporary	Driver's license or ID card issued b State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height color, and address	card, unless the card includes one of the following restrictions:  (1) NOT VALID FOR EMPLOYMENT
	I-551 printed notation on a machine- readable immigrant visa	ID card issued by federal, state or government agencies or entities, provided it contains a photograph of	(3) VALID FOR WORK ONLY WITH
4.	Employment Authorization Document that contains a photograph (Form I-766)	information such as name, date of gender, height, eye color, and addi	birth, 2. Certification of Birth Abroad issued
5	For a nonimmigrant alien authorized	3. School ID card with a photograph	Certification of Report of Birth
٠.	to work for a specific employer	4. Voter's registration card	issued by the Department of State (Form DS-1350)
a. Fo b. Fo th	because of his or her status:  a. Foreign passport; and	5. U.S. Military card or draft record	Original or certified copy of birth
	b. Form I-94 or Form I-94A that has	6. Military dependent's ID card	certificate issued by a State,
	the following: (1) The same name as the passport;	7. U.S. Coast Guard Merchant Marine Card	county, municipal authority, or territory of the United States bearing an official seal
	and (2) An endorsement of the alien's	8. Native American tribal document	5. Native American tribal document
	nonimmigrant status as long as that period of endorsement has	Driver's license issued by a Canad government authority	6. U.S. Citizen ID Card (Form I-197)
	not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.	For persons under age 18 who unable to present a documen	
6.	Passport from the Federated States of	10. School record or report card	Employment authorization document issued by the
	Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form		Department of Homeland Security
	I-94 or Form I-94A indicating	11. Clinic, doctor, or hospital record	
	nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI	12. Day-care or nursery school record	1



## **Section 1: Employee Information**

<b>Section 1. Employee Information and Attestation</b> (Employees must complete and sign Section 1 of Form I-9 no later than the <b>first day of employment</b> , but not before accepting a job offer.)					
Last Name (Family Name)	First Name <i>(Given Name,</i>	) Middle Initial	Other Names	s Used (if a	any)
Address (Street Number and Name)	Apt. Number	City or Town	Si	tate	Zip Code
Date of Birth (mm/dd/yyyy)  U.S. Social Security	Number E-mail Addres	S	·	Telepho	ne Number

- To be completed by EMPLOYEE.
- Employer MUST verify <u>Section 1</u> is **COMPLETE**.

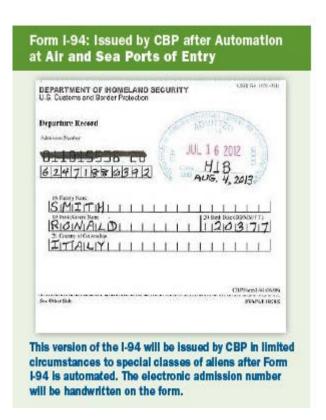
PRESENTATION Form I-9

DATE



## **Examples of I-94 Documents after CBP I-94 Automation Initiative**

Use hand-written number



 Printout from <u>www.cbp.gov/l94</u> website





## **Section 1: Employee Attestation**

Lattest, under penalty of perjury, that I am (check one of the following):	
A citizen of the United States	
A noncitizen national of the United States (See instructions)	
A lawful permanent resident (Alien Registration Number/USCIS Number):	
An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy)(See instructions)	. Some aliens may write "N/A" in this field.
For aliens authorized to work, provide your Alien Registration Number/USCIS N	lumber OR Form I-94 Admission Number:
1. Alien Registration Number/USCIS Number:	MARKATAR TEN DE MARKATARATAR DE LA CONTRACTOR DE LA CONTR
OR	3-D Barcode Do Not Write in This Space
2. Form I-94 Admission Number:	
If you obtained your admission number from CBP in connection with your arriv States, include the following:	ival in the United
Foreign Passport Number:	
Country of Issuance:	
Some aliens may write "N/A" on the Foreign Passport Number and Country of	f Issuance fields. (See instructions)
Signature of Employee:	Date (mm/dd/yyyy):

- The EMPLOYEE MUST select one of the four categories and sign and date
   Section 1 of Form I-9.
- All employees must complete <u>Section 1</u> no later than the first business day of employment for pay.

PRESENTATION

Form I-9

DATE



#### **Section 1: Preparer/Translator** Certification

Preparer and/or Translator Certification (To be employee.)	completed and signed if Section 1 is pre	epared by a pers	on other than the	
I attest, under penalty of perjury, that I have assiste information is true and correct.	ed in the completion of this form and t	hat to the best o	of my knowledge the	
Signature of Preparer or Translator:		Date	(mm/dd/yyyy):	
Last Name (Family Name)	First Name (Given Name)			
Address (Street Number and Name)	City or Town	State	Zip Code	

- This certification is required when Section 1 is prepared by someone other than the employee.
- By signing, the preparer is attesting that <u>Section 1</u> is **true and correct** to the best of his or her knowledge.
- Note that only the EMPLOYEE can sign the Section 1 Employee Signature Block.



## Section 2: Employer Certification of Document Review

#### **Completing Section 2**

- Completed by EMPLOYER.
- MUST be completed no later than 3 business days after the employee begins work for pay.
- EMPLOYER MUST examine original documents.
- Documents MUST be UNEXPIRED.

must physically examine one document from Lithe "Lists of Acceptable Documents" on the ne issuing authority, document number, and expire Employee Last Name, First Name and Midd	ext page of this form. For each document ration date, if any.)		
LIST A	OR LIST B	AND	LBCC
Identity and Employment Authorization	Identity	7,115	Employment Authorization
Document Title:	Document Title:	Docu	ment Title:
Issuing Authority:	Issuing Authority:	Issuir	ng Authority:
Document Number:	Document Number:	Docu	ment Number:
Expiration Date (if any)(mm/dd/yyyy):	Expiration Date (if any)(mm/dd/yyyy)	Expir	ation Date (if any)(mm/dd/yyyy):
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Issuing Authority:	1		
Document Number:	1		
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Document Title:	1		3-D Barcode Do Not Write in This Space
Issuing Authority:	-		
Document Number:	1		
Expiration Date (if any)(mm/dd/yyyy):	1		le .
Certification			
Certification I attest, under penalty of perjury, that (1 above-listed document(s) appear to be employee is authorized to work in the U	genuine and to relate to the emplo		
I attest, under penalty of perjury, that (1 above-listed document(s) appear to be	genuine and to relate to the emplo Inited States	oyee named, and	
I attest, under penalty of perjury, that (1 above-listed document(s) appear to be employee is authorized to work in the U	genuine and to relate to the emplo Jnited States nt (mm/dd/)	oyee named, and	(3) to the best of my knowledge the



## Section 2: Examining Documents Genuineness and Photocopies

- You are not required to be a document expert
- You MUST accept a document presented by an employee if it reasonably appears to be:
  - Genuine; AND,
  - Relates to the individual presenting it
- The document **MUST** be original\* photocopies are **NOT** acceptable

\* Exception: Certified copy of a birth certificate

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## **Section 2: Receipt Rule**

- Receipts may be used as temporary proof of employment eligibility when a List A, B or C document has been lost, stolen or damaged.
- The receipt must be issued by the originating agency.
- The employee must present a replacement document within 90 days of the hire date. EXCEPTIONS:
  - The arrival portion of Form I-94/I-94A with a temporary I-551 stamp and a photograph of the individual.
  - The departure portion of the Form I-94/I-94A with a refugee admission stamp
- A receipt indicating that an individual has applied for an initial employment authorization document (Form I-766) or for a renewal of an expiring employment authorization document (Form I-766) is NOT acceptable for Form I-9.
- Receipts are never acceptable if employment will last less than 3 business days.



## **Section 2: Copying Documents**

You may choose to make copies of employee documentation presented to you for Section 2.

 If you choose to photocopy documents, you must do so for ALL employees, regardless of actual or perceived national origin, immigration or citizenship status, or you may be in violation of anti-discrimination laws.

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#### **Section 3: Reverification**

Section 3. Reverification and Rehires $(To$	be completed and signed	by employer of	or authori	ized representative.)
A. New Name (if applicable) Last Name (Family Name) First	t Name <i>(Given Name)</i>	Middle Initial	<b>B</b> . Date o	of Rehire (if applicable) (mm/dd/yyyy):
C. If employee's previous grant of employment authorization is presented that establishes current employment authorization	. / .		ument fron	n List A or List C the employee
Document Title:	Document Number:			Expiration Date (if any)(mm/dd/yyyy):
l attest, under penalty of perjury, that to the best of n the employee presented document(s), the document		-		
Signature of Employer or Authorized Representative:	Date (mm/dd/yyyy):	Print Name of I	Employer	or Authorized Representative:

- You MUST reverify an employee using <u>Section 3</u> if his or her temporary employment authorization has expired.
- You MAY also complete Section 3 if you:
  - Rehire the EMPLOYEE within 3 years of the date of initial execution of the Form I-9\*
  - Update the biographic information of an employee

\* USCIS recommends completing a new Form I-9 for rehires

2014



## **Section 3: When to Reverify**

#### Do Not Reverify U.S. Passport or Passport Card Permanent Resident Card (Form I-551) List B documents Reverify only if employee presents Permanent Resident Reverification Exceptions a Form I-94 with a temporary I-551 stamp, or A foreign passport with a temporary I-551 stamp (on a machine readable immigrant visa (MRIV)) Usually Reverify When employment authorization document (List A or C) has an expiration date

Form I-9



## **Correcting Form I-9**

#### **Correcting Mistakes**

If you discover a mistake on Form I-9, correct the existing form **OR** 

prepare a new Form I-9:

- If you choose to correct the existing Form I-9, line out the incorrect portions, enter the correct information, and initial and date the correction.
- If you do a new Form I-9, retain the old form. You should also attach a short memo to both the new and old Forms I-9 stating the reason for your action.

#### **Missing Forms**

If you discover you are missing the Form I-9 for an employee:

- Immediately provide the employee with a Form I-9.
- Allow employee 3 business days to provide acceptable documents.
- DO NOT backdate the Form I-9.

PRESENTATION

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#### STORAGE AND RETENTION



PRESENTATION

Form I-9

DATE



## **Storage**

- Form I-9 MUST be on file for all current employees.
- Store Forms I-9 securely in a way that meets your business needs – on site, off-site, storage facility or electronically.
- Store Forms I-9 and document copies together.
- Ensure that only authorized personnel have access to stored Forms I-9.
- Make Forms I-9 available within 3 days of an official request for inspection.

Form I-9

DATE



#### Retention

#### Forms I-9 must be retained for:

3 years after the date you hire an employee

or

1 year after the date employment terminates, whichever is later.

#### Example:

John Smith was hired on November 1, 1993, and on July 5, 1994, employment was terminated.

November 1, 1993 + 3 years = November 1, 1996

July 5, 1994 + 1 year = July 5, 1995

The retention date is November 1, 1996

PRESENTATION

DATE





#### **FORM I-9 AND E-VERIFY**

FORM I-9 MUST BE COMPLETED BEFORE A CASE CAN BE CREATED IN E-VERIFY.

**PRESENTATION** 

Form I-9

DATE

#



## What is E-Verify?

- Free web-based service
- Fast and easy to use





- Existing employees assigned to work on a qualifying federal contract
- Helps maintain a legal workforce
- Protects jobs for authorized workers
- Partnership between the U.S. Department of Homeland Security (DHS)
   and the Social Security Administration (SSA)



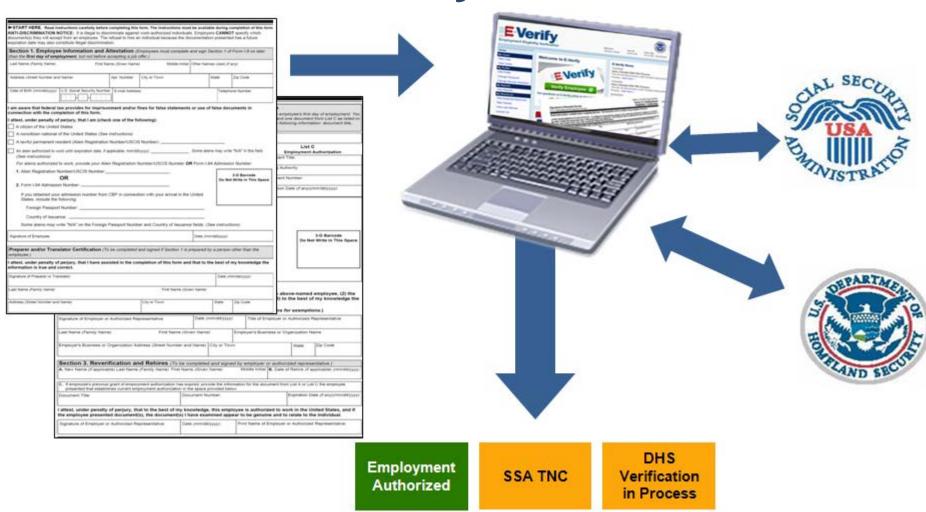


## **E-Verify Goals**

- Reduce unauthorized employment
- Minimize verification-related discrimination
- Be quick and non-burdensome to employers
- Protect civil liberties and employee privacy



## **How does E-Verify work?**



PRESENTATION

Form I-9

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#### **E-Verify Case Resolution**

You should check E-Verify periodically for one of the following responses:

Employment Authorized
Review and Update Employee Data
Case in Continuance
DHS Verification in Process
DHS No Show
Final Nonconfirmation

**PRESENTATION** 

Form I-9

DATE



## **RESOURCES**



PRESENTATION

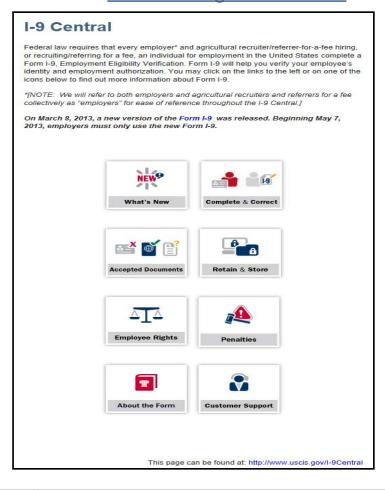
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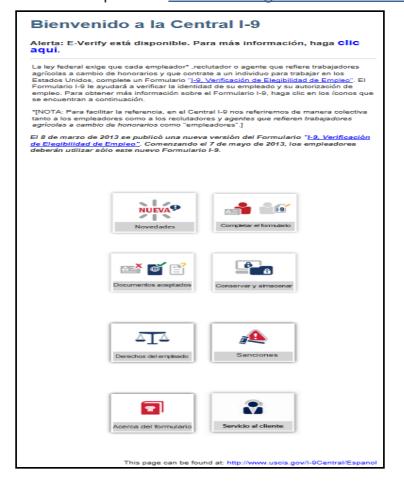


#### **I-9 Central**

#### I-9 Central: www.uscis.gov/I-9Central



#### I-9 Central Spanish: www.uscis.gov/i-9Central/Espanol



Form I-9



#### Form I-9 Resources

Form I-9, Employment Eligibility Verification

www.uscis.gov or www.uscis.gov/I-9Central

M-274, Handbook for Employers, Guidance for Completing Form I-9

(Employment Eligibility Verification Form)

M-274 in Spanish

Mergers & Acquisitions

Examples of documents:

- Acceptable Documents
- Additional Documentation Requirements
- Guide to Selected US Travel & Identity Documents



PRESENTATION

DATE



## Form I-9 Vignettes

Section 1 Vignette



Section 2 Vignette



Section 3 Vignette





#### **E-Verify Outreach**

- Free Webinars
- Content for your newsletters
- Authorization to use the E-Verify® Logo and Name and I E-Verify Seal
- Add E-Verify to your job announcements
  - Example: "Our company uses E-Verify to confirm the employment eligibility of all newly hired employees. To learn more about E-Verify, including your rights and responsibilities, please visit www.dhs.gov/E-Verify."







#### **Customer Service**

E-Verify received the highest rating for customer service of all federal agencies. (2013 American Customer Satisfaction Survey)

- Employer Hotline: (888) 464-4218
- Employee Hotline: (888) 897-7781
- Form I-9 E-Mail: <u>I-9Central@dhs.gov</u>
- E-Verify E-Mail: <u>E-Verify@dhs.gov</u>
- Form I-9 Website: www.uscis.gov/I-9Central
- E-Verify Website: www.dhs.gov/E-Verify



#### **Disclaimer**

Immigration law can be complex and it is not possible to describe every aspect of the process.

This presentation provides basic information to help you become generally familiar with rules and procedures.

For more information on the law and regulations please see our Web site: <a href="www.dhs.gov/E-Verify">www.dhs.gov/E-Verify</a>.

**PRESENTATION** 

Form I-9

DATE



#### **Feedback**

#### **COMMENTS ON OUR WEBINAR?**

Send to:

Francine.L.Hill@uscis.dhs.gov

\*Include date, time and topic of the webinar

**THANK YOU!** 

www.dhs.gov/E-Verify

PRESENTATION

DATE